

APPEAL NO. 020088
FILED FEBRUARY 12, 2002

This appeal arises pursuant to the Texas Workers' Compensation Act, TEX. LAB. CODE ANN. § 401.001 *et seq.* (1989 Act). A contested case hearing was held on December 10, 2001. The hearing officer determined that respondent/cross-appellant (claimant) did not sustain a compensable injury on _____. Claimant appealed on sufficiency grounds and also contends that the hearing officer erred in failing to place the burden to prove sole cause on appellant/cross-respondent (carrier). Carrier responded that the hearing officer did not err in placing the burden of proof on claimant or in determining that claimant did not sustain a compensable injury. Carrier filed a cross-appeal contending that the hearing officer erred in determining that claimant fell. Claimant responded to carrier's cross-appeal and asserts that the evidence supports a determination that he fell at work.

DECISION

We affirm.

We have reviewed the complained-of determination and conclude that the issue involved fact questions for the hearing officer. The hearing officer reviewed the record and decided what facts were established. We conclude that the hearing officer's determination is not so against the great weight and preponderance of the evidence as to be clearly wrong or manifestly unjust. Cain v. Bain, 709 S.W.2d 175, 176 (Tex. 1986). Regarding burden of proof, we note that the hearing officer found that claimant did not meet his initial burden to prove that he sustained a compensable injury on _____. No issue of sole cause was before the hearing officer in this case.

We affirm the hearing officer's decision and order.

According to information provided by carrier, the true corporate name of the insurance carrier is the **SELF-INSURED** and the name and address of its registered agent for service of process is

**CITY SECRETARY
(ADDRESS)
(CITY), TEXAS (ZIP CODE).**

Judy L. S. Barnes
Appeals Judge

CONCUR:

Chris Cowan
Appeals Judge

Robert E. Lang
Appeals Panel
Manager/Judge